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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PARAMVIR BAHL and ALLEN K. L. MIU

Appeal 2010-001909
Application 09/960,258
Technology Center 3600

Before ANTON W. FETTING, JOSEPH A. FISCHETTI, and BIBHU R.
MOHANTY, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1-7, 19-26, and 38-40. Claims 45-49 are withdrawn from consideration. Claims 8-18, 27-37, and 41-44 are cancelled. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Claims 1, 19 and 38, reproduced below, are representative of the subject matter on appeal.

1. (Original) A method for broadcasting an announcement signal, comprising:
broadcasting a network identifier signal that uniquely identifies a computer network;
broadcasting an authorizer signal that identifies an authorizer network address on the computer network, the authorizer network address being associated with an authorizer that is configured to authorize mobile clients to utilize the computer network; and
broadcasting a verifier signal that identifies a verifier network address on the computer network, the verifier network address being associated with a verifier that is configured to verify data packets sent by mobile clients utilizing the computer network.

19. (Original) One or more computer-readable media containing computer-executable instructions that, when executed on a computer, perform the following steps:
transmitting a network identifier signal that identifies an associated network;
transmitting an authorizer signal that identifies an authorizer on the network, the authorizer being configured to authorize client access to the network; and
transmitting a verifier signal that identifies a verifier, the verifier

being configured to verify that data packets transmitted to the network are transmitted from clients that have been authorized to access the network.

38. (Original) A system, comprising:
a network identifier;
an authorizer identifier;
a verifier identifier;
a signal generator configured to generate a signal that communicates the network identifier, the authorizer identifier and the verifier identifier.

The Examiner relies upon the following as evidence of unpatentability:

Hulthren	US 6,073,016	Jun. 6, 2000
Chang	US 6,487,406 B1	Nov. 26, 2002

The following rejections are before us for review.

The Examiner rejected claims 1-5, 19-23, 26, and 38-40 under 35 U.S.C. 102(e) as being anticipated by Chang.

The Examiner rejected claims 6-7 and 24-25 under 35 U.S.C. §103(a) as being unpatentable over Chang and Hulthren.

ANALYSIS

Claim 1 requires:

broadcasting a network identifier signal that uniquely identifies a computer network;

broadcasting an authorizer signal that identifies an authorizer network address on the computer network, the authorizer network address being associated with an authorizer that is configured to authorize mobile clients to utilize the computer network.

The Examiner found that:

Chang et al teach the network requires users to be registered (see at least column 6, line 30-40, column 3, line 7-10). If it is detected that the user has moved to a different base station (BS), a determination is made on whether the BS belongs to a different PCS registration area and whether a PCS registration is required before communications through the new BS is permitted (see at least column 6, line 20-40, also column 5, line 60- column 6, line 40). Therefore, it is clear that the user needs to be a registered user before being allowed to communicate on the new BS, or in other words, needs to be an "authorized" user.

(Answer 8).

Appellants however maintain that “[w]hile authorizing involves a decision as to whether or not to grant authority or power to something, registering merely entails entering something in an official register.” (Reply Br. 4).

We turn to the Specification for guidance. The Specification states authorization to access the network is demonstrated by possessing an authorization key 318. (Specification 17:18-19). The process which the Examiner refers *supra* does not require *identifying an authorizer network*

address on the computer network when access to a network is established because the system Chang has already been accessed when determining whether the BS belongs to a different PCS registration area occurs.

Claim 1 however requires authority to enter the network via *an authorizer network address on the computer network the authorizer network address being associated with an authorizer* (key 318) *that is configured to authorize mobile clients to utilize the computer network*. The Examiner's finding that this feature is found in Chang when "system information broadcast contains BS identification which provide wireless communication to mobile stations, also see column 1, lines 34-37)" (Answer 4), does not account for an authorizer signal that identifies an *authorizer network address* on the computer network which is *associated* with the authorizer. Thus, we do not sustain the rejection of claim 1 under 35 U.S.C. § 102(e) because "[a] claim is anticipated only if each and every element as set forth in the claim is not found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, (Fed. Cir. 1987), cert. denied, 484 U.S. 827 (1987).

Since claims 2-7 depend from claim 1, and since we cannot sustain the rejection of claim 1, the rejection of these claims likewise cannot be sustained.

Claim 19 is broader in scope than claim 1 in that it does not require "an authorizer signal that identifies an authorizer network *address on the computer network*, the *authorizer network address* being associated with an

authorizer that is configured to authorize mobile clients to utilize the computer network”. Rather, claim 19 only requires that the “authorizer signal identify an authorizer on the network, the authorizer being configured to authorize client access to the network...” Since Appellants’ arguments to claim 19 rely on those to claim 1 (Appeal Br. 18), which arguments are tied solely to the *authorizer network address on the computer network* feature, and since claim 19 is broader in scope than claim 1¹, we therefore find Appellants’ argument to claim 19 unpersuasive.

We also affirm the rejection of dependent claims 20-26 since Appellants have not challenged such with any reasonable specificity (see *In re Nielson*, 816 F.2d 1567, 1572 (Fed. Cir. 1987)).

Claim 38 likewise is broader in scope than claim 1 in that it does not require an *authorizer signal that identifies an authorizer network address on the computer network, the authorizer network address being associated with an authorizer* which feature we found *supra* distinguishes over the prior art. Rather, claim 38 only requires an authorizer identifier which the Examiner found in Chang is part of the “system information broadcast which contains BS identification which provide wireless communication to mobile stations”.

¹ Appellants’ argument that “the Examiner provided no additional evidence to reject Claim 19” (Appeal Br. 18) is not persuasive because claim 19 is broader in scope than claim 1.

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(Answer 5). Appellants do not challenge this specific finding. We therefore are not persuaded by Appellants' arguments to claim 38.

We also affirm the rejections of dependent claims 39-40 since Appellants have not challenged such with any reasonable specificity (see *In re Nielson*, 816 F.2d 1567, 1572 (Fed. Cir. 1987)).

CONCLUSIONS OF LAW

We conclude the Appellants have shown that the Examiner erred in rejecting claims 1-5 under 35 U.S.C. 102(e) as being anticipated by Chang.

We conclude the Appellants have not shown that the Examiner erred in rejecting claims 19-23, 26, and 38-40 under 35 U.S.C. 102(e) as being anticipated by Chang.

We conclude the Appellants have not shown that the Examiner erred in rejecting claims 24-25 under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Hulthren.

We conclude the Appellants have shown that the Examiner erred in rejecting claims 6-7 under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Hulthren.

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DECISION

The decision of the Examiner to reject claims 1-7 is REVERSED.

The decision of the Examiner to reject claims 19-26, 38-40 is AFFIRMED.

AFFIRMED-IN-PART

MP

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201